

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 5498 of 1992****For Approval and Signature:****HONOURABLE MR.JUSTICE SHARAD D.DAVE**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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MUNICIPAL COMMISSIONER - Petitioner(s)

Versus

NIKHILESH HARIHAR VAZIR - Respondent(s)

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Appearance :

MR PRASHANT G DESAI for Petitioner(s) : 1,
MR RD DAVE for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 18/11/2005

CAV JUDGMENT

1.By filing this petition, the petitioner - Surat Municipal Corporation has challenged the judgment and award dated 30.10.1991 passed by the Presiding Officer,

Second Labour Court, Surat in Recovery Application No. 585 of 1987, whereby the Labour Court, Surat has allowed the application preferred by the respondent fixing the pay at Rs.900/- from 6.12.1981 and at Rs.940/- from 1.12.1982 and fixed the date of increment as 1st February and Rs.980/- from 1.2.1983. It is also held that the respondent is entitled to get dearness allowance and other allowances for which he is entitled and also directed the petitioner to pay the difference of arrears with 12% interest and has also granted other benefits.

2. Having heard the learned advocates for the parties and having perused the material placed on record, it can be seen that this Court (Coram : S.Nainar Sundaram C.J. And R.K.Abichandani, J) has passed the order on 14.09.1992 which reads as under :

"The learned counsel for the respondent submits that he has calculated the amount payable to the respondent under the impugned award and the figure comes to Rs.25,439/- as on 30th October, 1991 being the date of the award. The learned counsel for the petitioner submits that the petitioner is prepared to deposit an amount of Rs.25,439/- in the Second Labour Court, Surat and the respondent may be permitted to withdraw the

same on furnishing security to the satisfaction of the Labour Court. The learned counsel for the respondent is agreeable to this course. We therefore direct by way of an interim relief that the petitioner shall deposit a sum of Rs.25,439/- in the Labour Court within four weeks from today and on such deposit being made the impugned award shall stand stayed during the pendency of this petition. The respondent will have liberty to withdraw the said amount by furnishing security to the satisfaction of the Second Labour Court, Surat, with which the amount is required to be deposited."

3. In this view of the matter, now nothing remains to be done in the matter since the respondent has calculated the amount payable to him under the impugned award and the figure which came to Rs.25,439/- as on 30.10.1999 being the date of the award has already been permitted to be withdrawn by the respondent on furnishing security to the satisfaction of the Second Labour Court, Surat with which the amount was deposited.

4. Under the circumstances, this petition stands disposed of accordingly.

5. Rule discharged. Interim relief, if any, granted earlier stands vacated.

(SHARAD D DAVE, J)

srilatha